

CHARLES MELAD, MEGITO MELAD, BELARMINA MELAD (LOFING MELAD) AND VIRGINIA MELAD, PETITIONERS, VS. THE HONORABLE EDMAR P. CASTILLO, SR., PRESIDING JUDGE, RTC BRANCH 11, TUAO, CAGA...

Ponente: TIJAM, J.

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TIJAM, J.:

The Petition for Certiorari[1] deserves an outright dismissal as it suffers from the following procedural infirmities:

- It appears that the Petition assails the Order[2] of the RTC of Pata, Tuao, Cagayan, Branch 11 dismissing the case for being premature, hence, the proper remedy is an ordinary appeal under Rule 41 of the Rules of Court. In *Goco v. Court of Appeals*[3], the Supreme Court explained that, since an order of dismissal by the trial court is a final order, the proper remedy is an ordinary appeal under Rule 41, instead of resorting to a petition for certiorari;
- Notary Public Atty. Mac Paul B. Soriano who notarized the Verification and Certification on Non-Forum Shopping and Affidavit Service failed to state his Commission No., MCLE Compliance IV and date of issuance thereof; and
- The parties failed to indicate their actual addresses as required under Sec. 3, Rule 46, in relation to Rule 65 of the Rules of Court.

WHEREFORE, the Petition for Certiorari is DISMISSED outright for being an improper mode of appeal. The assailed Order of the RTC is deemed final and executory.

SO ORDERED.

Lopez, M.V., and Garcia-Fernandez, M.V., JJ., concur.

[1] Rollo, p. 3.-13.

[2] Rollo, pp. 38-39.

[3] G.R. No. 157449, April 6, 2010

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